

**THE BOARD OF COUNTY COMMISSIONERS
DURHAM, NORTH CAROLINA**

Monday, October 26, 1998

7:00 P.M. Regular Session

MINUTES

Place: Commissioners' Room, second floor, Durham County Government Administrative Complex, 200 E. Main Street, Durham, NC

Present: Chairman MaryAnn E. Black and Commissioners William V. Bell, Joe W. Bowser, Becky M. Heron, and Ellen W. Reckhow

Absent: None

Presider: Chairman Black

Opening of Regular Session

Chairman Black called the Regular Session to order with the Pledge of Allegiance.

Agenda Adjustments

Chairman Black stated that consent agenda item No. 8, "Public Hearing—Utility Fee Schedule," would be removed from the agenda and placed on a subsequent agenda.

Vice-Chairman Reckhow requested an item be added to the agenda relative to drinking water at the Durham County Memorial Stadium.

Announcement

Chairman Black announced that County Manager David F. Thompson was attending the International City-County Managers' Meeting in Orlando, Florida. Deputy County Manager Michael Palmer will act in Mr. Thompson's stead during his absence.

Minutes

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to approve the September 28, 1998 Regular Session Minutes and the October 5, 1998 Worksession Minutes of the Board as submitted.

The motion carried unanimously.

Chamber of Commerce City of Medicine Program—High School Awards

Chairman MaryAnn E. Black requested the winners and runners-up of the City of Medicine--High School Awards be placed on the agenda so the Commissioners could recognize the accomplishments of the four seniors. This awards program was started in 1994 to recognize Durham students who excel academically.

Dr. William Anlyan, Chairman of the City of Medicine Board of Directors, introduced the winners and runners-up in the medical specialist and medical technician categories.

The medical specialist category winner was Lauren Parnell of Southern High School. The medical technician winner was LaToya Harris, also of Southern High School. The runner-up in the medical specialist category was Erica Quick of Hillside High School.

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Carla Rich of Cresset Christian Academy was the runner-up in the medical technician category.

The Commissioners congratulated the four students.

No official action was taken on this agenda item.

September and October Anchor Award Winners—Jane Korest and Beverly Norwood

Ms. Jane Korest has been in the Planning department for 15 years. She has worked exceedingly hard in support of the Durham Open Space and Trails Commission (DOST). Clearly, Ms. Korest goes the extra mile in maximizing our open space and trails efforts. She can frequently be found outdoors investigating development sites and exploring options for expansion of Durham's network of open spaces or seeking reservations of land containing unique natural features. Most recently, as a result of Ms. Korest's grant writing talent, the DOST will receive \$750,000 in grant funding from the state to further the County's open space and trails program. While working diligently with the DOST, Ms. Korest makes time to train other staff members to assume active roles in trail planning, acquisition, and design. Ms. Korest's dedication, professionalism, and expertise have earned her the respect of staff, board members, state officials, and her peers around the state who frequently seek her advice and solicit her opinion.

Ms. Beverly Norwood has been with the Planning Department for two years. She has been tasked with the special assignment of accelerating implementation of the Durham Greenways Master Plan which calls for the acquisition of property to be used for greenway trails. Ms. Norwood has provided exceptional leadership in this work. The range of activities for this role require a multi-talented individual. Ms. Norwood has demonstrated: creativity and perseverance in converting plan proposals into site specific trail locations, negotiation skills and salesmanship in convincing property owners of the benefits of devoting their property to trail use, and project management and facilitation abilities in bringing together representatives from many departments to resolve successfully the many logistical challenges which accompany a plan of this scope.

Additionally, Ms. Norwood has gone the extra mile and demonstrated her "civic dedication" by successfully organizing, on two occasions, a squad of volunteers to spend a weekend constructing trails in the vicinity of New Hope Creek.

Paul Norby, Planning Director, provided introductory comments.

County Manager's Recommendation: Present the September Anchor Award to Ms. Jane Korest and the October Anchor Award to Ms. Beverly Norwood.

Chairman Black presented the Anchor Award plaques and \$200 checks.

The two winners made remarks of appreciation for the recognition.

No official action was taken on this agenda item.

Consent Agenda

Vice-Chairman Reckhow moved, seconded by Commissioner Heron, to approve the following consent agenda items:

- * (a) Street annexation petition—Upchurch Farm Road (adopt the resolution to approve the addition of Upchurch Farm Road to the state's road maintenance system subject to the certification of eligibility by the

- appropriate officials of the North Carolina Department of Transportation);
- * (b) Property tax release and refund report (adopt the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report);
 - (c) Untimely application for property tax exemption (grant the untimely application of the Durham Church of Christ and authorize the release of 1998 taxes);
 - * (d) FY 1998-99 Budget Ordinance Amendment No. 99BCC000013 (Teen Court and Restitution Program--recognize \$43,154 in intergovernmental revenues for the program);
 - * (e) FY 1998-99 Budget Ordinance Amendment No. 99BCC000014 (Public Health—recognize grant revenue of \$38,546 for an STD/HIV Risk Reduction Program in health education);
 - * (f) FY 1998-99 Budget Ordinance Amendment No. 99BCC000015 (Equipment Leasing Fund—amend the equipment leasing fund for \$21,980); and
 - * (g) FY 1998-99 Budget Ordinance Amendment No. 99BCC000016 (Special Park District Fund—recognize \$85,965 of additional revenue for the Special Park District to be paid out to the Research Triangle Park Foundation).

The motion carried unanimously.

*The documents related to these items follow:

Consent Agenda 6(a). Street annexation petition—Upchurch Farm Road (adopt the resolution to approve the addition of Upchurch Farm Road to the state's road maintenance system subject to the certification of eligibility by the appropriate officials of the North Carolina Department of Transportation).

The resolution follows:

NORTH CAROLINA STATE DEPARTMENT OF TRANSPORTATION
REQUEST FOR ADDITION OF STATE MAINTAINED
SECONDARY ROAD SYSTEM

North Carolina
County of Durham
Road Description: Upchurch Farm Road

WHEREAS, the attached petition has been filed with the Durham Board of County Commissioners requesting that the above described road, the location of which has been indicated in red on the attached map,* be added to the secondary road system; and

WHEREAS, the Board of County Commissioners is of the opinion that the above described road should be added to the secondary road system, if the road meets minimum standards and criteria established by the Division of Highways of the Department of Transportation for the addition of roads to the system:

NOW, THEREFORE, BE IT RESOLVED by the Durham Board of County Commissioners that the Division of Highways is hereby requested to review the above described road, and to take over the road for maintenance if it meets established standards and criteria.

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CERTIFICATE

The foregoing resolution was duly adopted by the Durham Board of County Commissioners at a meeting on the 26th day of October, 1998.

Witness my hand and official seal this the 27th day of October, 1998.

/s/ Garry E. Umstead
Clerk, Board of Commissioners
County of Durham

*In the office of the Clerk to the Board.

Consent Agenda 6(b). Property tax release and refund report (adopt the property tax release and refund report as presented and authorize the Tax Administrator to adjust the tax records as outlined by the report).

Due to property valuation adjustments for over assessments, listing discrepancies, duplicate listings, and clerical errors, etc., the report details releases and refunds for the month of September 1998.

For current FY 98-99, releases and refunds amounted to \$426,690.22 in taxes for real property, \$1,391.16 in taxes for personal property, \$36,212.06 in taxes for registered motor vehicles, \$600 in City vehicle fees, and \$1,380.72 in solid waste fees.

For prior years, releases and refunds amounted to \$19,760.24 in taxes and fees.

(Recorded in Appendix A in the Permanent Supplement of the October 26, 1998 Minutes of the Board.)

Consent Agenda 6(d). FY 1998-99 Budget Ordinance Amendment No. 99BCC000013 (Teen Court and Restitution Program--recognize \$43,154 in intergovernmental revenues for the program).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000013

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for Durham County Teen Court and Restitution in Other Human Services.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$175,663,277	\$43,154		\$175,706,431
<u>Expenditures</u>				
Other Human Services	\$208,577,186	\$43,154		\$208,620,340

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 26th day of October, 1998.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

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Consent Agenda 6(e). FY 1998-99 Budget Ordinance Amendment No. 99BCC000014 (Public Health—recognize grant revenue of \$38,546 for an STD/HIV Risk Reduction Program in health education).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000014

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for the Durham County Public Health Department.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Intergovernmental	\$175,706,431	\$38,546		\$175,744,977
<u>Expenditures</u>				
Human Services	\$208,620,340	\$38,546		\$208,658,886

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 26th day of October, 1998.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Consent Agenda 6(f). FY 1998-99 Budget Ordinance Amendment No. 99BCC000015 (Equipment Leasing Fund—amend the equipment leasing fund for \$21,980).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000015

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for the Equipment Leasing Fund.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Equip. Leasing Fund	\$1,954,523	\$21,980		\$1,976,503
<u>Expenditures</u>				
Equip. Leasing Fund	\$1,954,523	\$21,980		\$1,976,503

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 26th day of October, 1998.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

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Consent Agenda 6(g). FY 1998-99 Budget Ordinance Amendment No. 99BCC000016 (Special Park District Fund—recognize \$85,965 of additional revenue for the Special Park District to be paid out to the Research Triangle Park Foundation).

The budget ordinance amendment follows:

DURHAM COUNTY, NORTH CAROLINA
FY 1998-99 Budget Ordinance
Amendment No. 99BCC000016

BE IT ORDAINED BY THE COMMISSIONERS OF DURHAM COUNTY that the FY 1998-99 Budget Ordinance is hereby amended to reflect budget adjustments for the Special Park District.

GENERAL FUND

	<u>Current Budget</u>	<u>Increase</u>	<u>Decrease</u>	<u>Revised Budget</u>
<u>Revenues</u>				
Special Park District	\$404,798	\$85,965		\$490,763
<u>Expenditures</u>				
Special Park District	\$404,798	\$85,965		\$490,763

All ordinances and portions of ordinances in conflict herewith are hereby repealed.

This the 26th day of October, 1998.

(Budget Ordinance Amendment recorded in Ordinance Book _____, page _____.)

Public Hearing for the Consideration of Providing Parking Spaces for the West Village Development

The developers of West Village proposed to adaptively reuse five vacant Liggett & Myers buildings adjacent to the Carmichael facility (300 North Duke Street) into a mix of apartments, retail shops, and office space. The proposed development requires additional parking facilities for residents during the evening and weekend hours. The lease agreement between Durham County and Trakside Group, LLC would provide West Village with 75 parking spaces at no cost during the hours of 6:00 p.m. to 8:00 a.m., Monday through Friday, and whenever County operations are closed, such as during weekends and holidays.

The County will retain the right to use the parking spaces during the times mentioned above if the County requires the spaces for a special event or function. Trakside Group, LLC will bear the sole responsibility to regulate the use of the parking spaces by residents of West Village during the specified hours and will be required to issue parking decals and install a gated entrance with restricted card access. The lease agreement can be terminated by the County upon 30 days' written notice if the County considers that the shared parking arrangement limits or impairs County operations or if the County decides to sell the property.

David M. Powell, Economic Development Director and Property Manager, gave the Commissioners a brief overview of the proposal.

Chairman Black opened the public hearing that was properly advertised.

As no one asked to speak, Chairman Black closed the public hearing and referred the matter back to the Commissioners for consideration.

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Commissioner Bell moved, seconded by Vice-Chairman Reckhow, to approve the proposal to provide parking spaces for the West Village development.

The motion carried unanimously.

Public Hearing—Brier Creek Associates, LP (Rezoning Case P98-43)

Brier Creek Associates, LP presented to the Board of County Commissioners a request to rezone 8.22 acres in Durham County on the east side of Page Road, south of Globe Road (TM 581-3-4). Request: RD (Rural District) to I-2 (Light Industrial District). The Community Growth Map of the Durham 2020 Comprehensive Plan designates this area as in the Regional Corridor B: East Durham to Research Triangle Park. The site is in the Triangle Township Planning Area; the Township's Future Land Use Map shows office use for the site. Staff recommended approval. The Zoning Committee of the Durham Planning Commission conducted a public hearing on September 16, 1998, and voted 7-0 to recommend approval.

Gail Sherron, Planner, Durham City-County Planning Department, presented a brief overview of the case.

The Commissioners asked several questions and made comments about the proposal. Ms. Sherron and Mr. Dick Hails responded.

County Attorney Chuck Kitchen said he is uncertain whether counties must have enabling legislation for conditional use zoning.

Vice-Chairman Reckhow requested that Mr. Kitchen research the matter and report back to the Commissioners.

Chairman Black opened the public hearing that was properly advertised.

As no one asked to speak, Chairman Black closed the public hearing and referred the matter back to the Commissioners for consideration.

After a lengthy discussion with Planning Director Paul Norby and staff, County Attorney Kitchen suggested the motion be tabled to give the applicant a chance to submit a development plan if he so chooses.

The representative from Brier Creek Associates, LP said he wishes to continue working with staff.

The Commissioners did not set a time for the rezoning case to come back for consideration. The request must be readvertised for a public hearing.

The motion was tabled.

Public Hearing—Richmark Corporation & W. Jackson Hay Jr. (Rezoning Case P98-31)

Richmark Corporation & W. Jackson Hay Jr. presented to the Board of County Commissioners a request to rezone 67.46 acres at 3007 & 3019 Mt. Moriah Road (TM 476-1-3 and 4). Request: R-20 (Residential 20) to PDR-4 (Planned Density Residential). The Durham 2020 Comprehensive Plan Community Growth Map shows "Suburban Neighborhoods" for the site. Recommended densities for Suburban Neighborhoods is 2.0 to 4.0 units per acre. The Future Land Use Map in the Southwest Durham Plan adopted April 1990 shows Low Density Residential (less than 4 units per acre) and Recreational/Open Space/Floodplain. Staff recommended approval of the request because it complies with land use density recommendations and accomplishes

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other planning objectives, such as preservation of wildlife habitat and bottomland forest and establishment of greenway trail connections. Some concerns voiced against the request include incompatibility with adjacent low density uses and traffic safety on the Mt. Moriah Road bridge over Dry Creek. The Zoning Committee of the Durham Planning Commission conducted a public hearing on September 15, 1998, and voted 6-1 to recommend approval.

Dick Hails, Durham City-County Planning Department, introduced the rezoning request. He said this proposal refers to a very important site located between the New Hope Creek Corridor and the 15-501 corridor near I-40. It is located between one of our most sensitive environmental resources in the County, and is in site of one million square feet of commercial space at the New Hope Commons Shopping Center. This proposal could serve as a good transition between these two areas. More than two-thirds of the proposed site will be preserved in the development plan of the project as open space area. The proposal does conform with the adoptive plans in this area. There are some traffic concerns, but they are limited additional impacts on the existing situation in the area.

Nazeeh Abdul-Hakeem, Senior Planner, Durham City-County Planning Department, presented the Commissioners an overview of the rezoning request to construct 270 multi-family units on the site.

Staff recommended approval of the request from R-20 to PDR-4.

The Commissioners asked questions and made comments to which staff responded.

Commissioner Bowser asked that the total area in the turning lanes constructed for a development be resurfaced to improve the look of the area.

Chairman Black opened the public hearing that was properly advertised.

Mr. John Markham Jr., attorney representing Richmark Corporation, 3100 Tower Blvd., Suite 1200, spoke about the history and details of the project. Planning Department processes were begun in November 1997. The zoning application was filed in May 1998 and reflected discussions in the initial meeting and follow-up communications with staff. Mr. Markham urged the Commissioners to approve the project.

Mr. Dan Jewell, Landscape Architect, 111 W. Main Street, representing Richmark Corporation, made a presentation to the Commissioners on the environmental and trail aspects of the project. He addressed questions the Commissioners had raised prior to his comments.

Additional questions were asked by the Commissioners. Mr. Markham and Mr. Jewell responded.

Mr. Richard Siegel, Developer, Richmark Corporation, addressed Commissioner Bowser's request regarding the turning lanes. He agreed to have the turning lane area resurfaced and to show it on the development plan as a note.

Mr. Mack Heizer, 5123 Mt. Moriah Road, expressed concern about Mt. Moriah Road and the bridge not being ready for commercial use; however, he supported the total project.

As no one else asked to speak, Chairman Black closed the public hearing and referred the matter back to the Commissioners for consideration.

Vice-Chairman Reckhow asked Earl Lewellyn, City of Durham Transportation Engineer III, to comment on the bridge and Mt. Moriah Road conditions.

Mr. Lewellyn responded to the questions and concerns raised by Mr. Heizer.

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Chairman Black asked Planning staff to draft a letter for the Commissioners to send to the N. C. Department of Transportation relative to the narrow bridge on Mt. Moriah Road and signal lights at the intersection of Mt. Moriah and Erwin Roads.

Commissioner Heron moved, seconded by Commissioner Bowser, to approve the rezoning request of Richmark Corporation and W. Jackson Hay Jr. (Rezoning Case P98-31).

The motion carried unanimously.

(Legal description recorded in Ordinance Book _____, page _____.)

Street Closing—Crystal Lake Road (SC98-1): Public Hearing Continuation from October 12, 1998

To continue the public hearing to consider permanently closing a 24,763± square-foot portion of Crystal Lake Road west of Guess Road.

At the public hearing on October 12, 1998, members of the Greater Durham Moose Lodge stated their opposition to the closing of Crystal Lake Road. The Lodge owns land on the north side of the portion of Crystal Lake Road proposed for closing. Staff has been discussing options with the applicant and members of the Lodge.

Vonda Frantz, Senior Planner with the Durham City-County Planning Department, was present to answer questions of staff regarding the request to close this street.

County Manager's Recommendation: The County Manager recommends that the Board of County Commissioners approve the request to permanently close 24,763± square feet of Crystal Lake Road.

Ms. Frantz said Planning staff proposed a couple of options--the original and another one suggested by Moose Lodge members.

Deputy County Attorney Lowell Siler said if conditions of the street closing vary from the original proposal, new documents must be prepared for the Commissioners' approval.

Moose Lodge members proposed to close Crystal Lake Road (SR 1412) with the exception of 125 feet to permit passage to the vacant property the Lodge owns beside the Lodge building.

The proposal presented by Lodge members was acceptable to the applicant and staff; however, Planning staff recommended the original proposal because "it is more in the public interest." Nevertheless, "it is no big problem if less is closed."

The Commissioners asked questions and made comments about the street closing.

Ms. Frantz responded to the questions and comments.

Mr. Paul Creech, 8601 Willardville Station Road, Bahama, representing the Moose Lodge, said Lodge members support closing Crystal Lake Road with the exception of 125 feet to provide an ingress and egress to the Lodge's vacant property.

Mr. George D. Beischer, 2726 Croasdaile Drive, representing Croasdaile Farm, said he owns property at the end of the cul-de-sac. He does not oppose the closing. The Moose Lodge needs additional frontage to access its property. Trash dumping should stop if the road is closed and a restraint is built.

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Mr. Ronald Horvath, Architect, 16 Consultant Place, Suite 201, representing Crystal Lake Townhomes, said he has no objections to leaving 125 feet of the road open. The green space will be enlarged.

As no one else asked to speak, Chairman Black closed the public hearing and referred the matter back to the Commissioners for consideration.

Commissioner Bell moved, seconded by Commissioner Bowser, to close Crystal Lake Road with the exception of 125 feet so the Greater Durham Moose Lodge will have access to its property.

The motion carried unanimously.

The order follows:

NOTE: The order will be inserted in the final copy of the minutes and recorded in the permanent record books when received from the Planning Department.

A Public Hearing on Zoning Ordinance Amendment TC80-98 Regarding Signs for Events

Conduct the public hearing and consider the amendment. This proposal resulted from a question raised by the County Attorney relating to free speech issues and the regulation of campaign signs. While the Planning Department preferred the retention of the current ordinance requirements, it was the Attorney's opinion that to conform with state and federal case law, changes must be made in the sections of the ordinance regulating all temporary signs to assure that all signs are treated uniformly.

Lowell Siler, Deputy County Attorney, was at the meeting to present this item. Paul Norby, Planning Director, was also available for questions.

County Manager's Recommendation: Adoption of the amendment to the zoning ordinance identified as TC80-98.

Mr. Siler said this ordinance is a result of questions raised by the American Civil Liberties Union. The questions dealt with two primary issues regarding political campaign signs that are allowed under this section. He presented a detailed overview of the proposed zoning ordinance amendment and explained the recommended changes.

The Commissioners asked questions and made comments about the ordinance. Staff responded.

Commissioner Heron stated that campaign signs should be removed by the people who put them up.

Vice-Chairman Reckhow opened the public hearing which was properly advertised.

As no one asked to speak, Vice-Chairman Reckhow closed the public hearing and referred the matter back to the Commissioners for consideration.

Commissioner Bell moved, seconded by Commissioner Bowser, to approve zoning ordinance amendment TC80-98 regarding signs for events.

The motion carried unanimously.

The zoning ordinance amendment follows:

TC80-98 BOCC adoption 10/26/98

AN ORDINANCE TO AMEND THE DURHAM ZONING ORDINANCE
ESTABLISHING STANDARDS FOR SIGNS FOR CERTAIN EVENTS

That Section 12.3(13) [Signs permitted in all zoning districts without a permit] listed below shall be rewritten as follows:

“13. Yard sale signs which do not exceed 6 square feet in area per sign are limited to one per lot and shall be removed 30 days after the event. Signs shall be located so as not to impair an individual’s ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.”

That Section 12.3(15) [Signs permitted in all zoning districts without a permit] listed below shall be rewritten as follows:

“15. Construction signs in residential zones which do not exceed 6 square feet in area and 6 feet in height and in nonresidential zones which do not exceed 32 square feet in area and 8 feet in height and which are limited to one per lot. The signs must be removed within 30 days after issuance of a Certificate of Compliance. Signs shall be located so as not to impair an individual’s ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.”

That Section 12.3(16) [Signs permitted in all zoning districts without a permit] listed below shall be rewritten as follows:

“16. Real estate signs in residential zones which do not exceed 6 square feet in area and 6 feet in height for freestanding signs and which are limited to one per street frontage and one wall sign per dwelling unit. The signs shall be removed within 30 days after closing. Signs shall be located so as not to impair an individual’s ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.”

That Section 12.3(17) [Signs permitted in all zoning districts without a permit] listed below shall be rewritten as follows:

“17. Real estate signs in nonresidential zones which do not exceed 32 square feet in area per sign, and do not exceed 8 feet in height for freestanding signs and which are limited to one freestanding sign per street frontage. One wall sign per building facade is permitted if the entire building is for sale or lease. The signs shall be removed within 30 days after the closing. Signs shall be located so as not to impair an individual’s ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.”

That Section 12.3(18) [Signs permitted in all zoning districts without a permit] listed below shall be rewritten as follows:

“18. On premise announcements by public or nonprofit organizations of fund raising events, special events, or activities of interest to the general public, other than political signs. Such signs shall not exceed 8 square feet in area in residential zones and 32 square feet in area for nonresidential zones. Signs shall be limited to one per event. The sign may be erected up to three weeks prior to the event and shall be removed 30 days after the event. Signs shall be located so as not to impair an individual’s ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.”

That Section 12.3(19) [Signs permitted in all zoning districts without a permit] listed below shall be rewritten as follows:

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“19. Temporary political signs erected in connections with elections, referenda, or current political events provided that:

- a. No such sign or portion thereof shall be placed in any right of way, nor on utility poles or other objects located within the right of way. Signs shall be located so as not to impair an individual’s ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.”
- b. Signs on private property are subject to the following limitations: political signs on private property may be erected no earlier than the last day in which a candidate must file with the State or County Board of Elections; the signs must be removed within 30 days after any primary election day by an unsuccessful primary candidate and within 30 days after any general election day by all other candidates.
- c. Such signs shall not exceed 8 square feet per sign and not exceed 6 feet in height.
- d. Signs located in the public right of way or on other public property which are found to be in violation of this Section may be removed by Zoning Enforcement Officers.

That Section 12.3(24) [Signs permitted in all zoning districts without a permit] listed below shall be rewritten as follows:

“24. Directional signs for the sale or rent of residential property:

- a. The signs shall not be placed in the right of way and shall be maintained in good condition.
- b. The signs contain only directional information [e.g.: directional arrows, “leftnd right, etc.] and “home for rent”, “open house”, “new home(s) for sale” or the name of the project. Other information such as the name of a builder or real estate company is prohibited.
- c. The signs are temporary signs on white background, unlit, and limited to 2 square feet per side for a single user or 4 square feet per side when shared by multiple projects. The sign message may be placed on each side of the sign. The signs shall not exceed 4 feet in height and shall not obstruct vision clearances.
- d. In order to avoid the placement of a series of signs along several miles of roadway, no more than 5 signs shall be allowed per project [or per property when a single dwelling is for sale or rent.] Signs shall be placed no farther than 2 road miles from the project or property for which directions are given.
- e. Up to 2 directional signs are allowed at intersections. However, each user is allowed only 1 sign per intersection. Therefore, each of the signs must identify different users. If the number of signs at an intersection exceeds 2, all directional signs will be removed by a Zoning Enforcement Officer.
- f. Signs for properties for sale shall be removed when a contract is closed on the final property.
- g. To encourage assistance in compliance with these requirements, the Zoning Enforcement Officers may notify the board of Realtors or the Home Builders Association regarding violations of these provisions. Signs in violation of these requirements may be removed.
- h. Signs shall be located so as to not impair an individual’s ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.”

That Section 12.3(25) [Signs permitted in all zoning districts without a permit] listed below shall be rewritten as follows:

“25. Signs on bona fide farms in the county’s jurisdiction advertising products grown on the farm.

That Section 12.4 (3) [Signs permitted in public rights of way without a permit] be deleted.

That Section 12.4 (6) [Signs permitted in public rights of way without a permit] listed below shall be rewritten as follows.

- “6. Moveable menu-board signs located on sidewalks within the street right-of-way in pedestrian-oriented commercial areas within the NC, GC and CBD Districts, provided that all the following criteria are met:
- a. the area consists of one or more contiguous blocks where at least 75% of the block face contains buildings which abut the street sidewalk, and at least 50% of the buildings have space at the street level which consists of retail stores, shops and restaurants. Also, the sidewalk in the area must be wide enough to allow for at least 6 feet of width for unrestricted pedestrian movement with the sidewalk signs in place.
 - b. a plan for sidewalk signs is submitted for the review and approval of the Development Review Board by a merchants association or community development organization representing the merchants of the area. Such plan shall indicate at a minimum what the merchants have agreed to in terms of a common approach to sign type and design, size, location on the sidewalk and the method of indemnification for public liability from injury or property damage caused by such signs. When the area is located in a historic district overlay zone, the plan shall be reviewed by the Historic Preservation Commission, and their comments shall be forwarded to the Development Review Board prior to any action being taken on the plan. The Development Review Board may disapprove the plan if it finds that it does not represent a common agreement among the merchants in the area, that safety and liability issues are not adequately addressed, that the location of such proposed signs poses conflicts with service delivery or pedestrian movement, or that the elements of consistency concerning proposed signs have not been completely addressed.
 - c. any signs allowed under such a plan shall not exceed 2.5 feet in width or 30% of the sidewalk width, whichever is less, and that the height of any such sign shall not exceed 4 feet in height. There shall not be any lighting allowed on the sign and the lettering shall be small enough to not be legible from automobile traffic on the street. The sign itself shall be moveable, shall not be attached in any way to the sidewalk, and shall not be chained or attached in any way to street furniture, other signs, street trees, other landscaping, or other fixtures or appurtenances on or in the sidewalk. Signs shall also not be placed on any section of the sidewalk in a way that narrows the effective width of the sidewalk for pedestrian movement purposes at that point to less than 6 feet. Signs shall not incorporate spinners, streamers or other features which are prohibited by this ordinance. Upon approval of this plan, all signs located on the sidewalk in the area must conform with the plan. The plan is valid for a period of five years from the date of Development Review Board approval, and may be re-approved by DRB upon receipt of a new application which documents continued compliance with all conditions in this section, including those conditions which qualify the area for such signs.
 - d. a license agreement (in the City) or an encroachment agreement (outside the City) allowing for such signs on the public right-of-way. As part of the license or encroachment agreement approval, each individual merchant desiring to utilize such signs, or, alternatively, the merchants association or community development agency representing such merchants collectively, shall produce a form of surety (insurance) acceptable to the City Engineering Department for sidewalks in the City, or the County Attorney and NCDOT for sidewalks outside the City, which protects the City, County or State from any liability resulting from injury or property damage caused by any such sign.
 - e. each sidewalk sign permitted under this section shall be maintained in good condition, shall be removed each day by the close of business, and be replaced or removed when the appearance or condition of the sign deteriorates through damage, weathering, etc.
 - f. each sign is located so as not to impair an individual's ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.

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That the Section 12.8.9 be renamed and rewritten as follows:

“12.8.9 Private For-Profit Special Events (including but not limited to banner signs with commercial messages)

Temporary signs other than noncommercial signs shall be allowed in every district for special events, subject to the following requirements:

1. The sign shall be displayed for not more than 30 consecutive days.
2. The sign shall not exceed 32 square feet in a nonresidential zone and 6 square feet in a residential zone. No streamers, spinners or other windblown device shall be included as a part of the sign.
3. The sign shall be for a special event, not a routine business activity.
4. Only one sign shall be allowed per business per special event.
5. Each business site may be issued only 2 permits for a temporary sign within a 12-month period. Each 12 month period shall begin with the issuance of the first permit and shall expire 12 months from that date.
6. This Section shall not affect signs regulated in Section 12.3 (18) for public and non-profit events.
7. Signs shall be located so as not to impair an individual's ability to safely see other vehicles or pedestrians at intersections, driveways, crosswalks, or alleys.

That the Durham zoning ordinance be renumbered where necessary to accommodate these changes.

That this ordinance become effective upon adoption.

Computer Hardware/Software Approval for Data General Terminal Replacement

Information Technology requested approval to purchase of 61 personal computers, including software in the amount of \$ 94,572 from Compucom, per State convenience contract 250-15. (Prices are from the price list updated biweekly during meetings with Compucom.)

The selected hardware/software is in compliance with Durham County's computer equipment standards.

The purchase is part of the implementation of the Data General Replacement Project (DC042) originally presented to the Board as a key component of the Information Technology County technology plan and funded by the Board as a Pay-As-You-Go project in February 1998 and the Year 2000 Compliance Project.

As presented by the County Manager in September 1998, the Year 2000 Project is proceeding on schedule. The replacement of the Data General terminals with personal computers on the Durham County Wide Area Network is a critical component of implementation of the applications now being converted from the Data General computer to the AS/400. The plan is to allow continued access from the PCs to the Data General until the AS/400 application is converted and tested. At that time, the DG access will be removed and the application will continue on the AS/400.

Costs for locations and departments effected by this project include:

- Carmichael Building--42 DG Terminals will be replaced by PCs, and these will be added to the existing Mental Health LAN. Some additional wiring will be needed for new PCs to be added to the LAN. A local mail server and increased wide area network line speed will provide better performance for Mental Health and for DSS. (\$63,630)
- 220 E. Main Street--6 DG Terminals will be replaced with PCs. Some wiring may be necessary. (\$9,390)
- Administration Building--The last 6 DG Terminals in this building will be replaced. (\$9,597)

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- Youth Home--3 DG Terminals will be replaced with PCs and the Wide Area Network will be extended to include this facility by adding a cable to tap into the WAN link now existing at the Animal Control offices. (\$5,695)
- Lincoln Health Center--2 Terminals used by Mental Health and DSS staff at this facility will be replaced. For now, these will connect to the County WAN via a dial up link. (\$3,130)
- Durham Regional Hospital--2 existing DG terminals will be replaced. For now, these will connect to the County WAN via a dial up link. (\$3,130)

The cost of each desktop is \$1565, which includes the 4.2 GB hard drive, 15" monitor, Windows 95 software, and token ring or Ethernet network card.

Also at this time, IS is purchasing servers and cabling for DSS in the amount of \$26,670 and Microsoft Office Software in the amount of \$17,492 for the 61 personal computers. Both purchases are from approved State contract vendors.

Perry Dixon, Director of Information Technology, recommended approval of these purchases and attended the meeting to answer any questions.

County Manager's Recommendation: Authorize the County Manager to enter into contracts with Compucom to replace 61 DG terminals with personal computers for \$94,572.

Mr. Dixon gave a brief overview of the proposal.

Commissioner Heron moved, seconded by Vice-Chairman Reckhow, to authorize the County Manager to enter into contracts with Compucom to replace 61 DG terminals with personal computers for \$94,572.

The motion carried unanimously.

Norfolk Southern Corporation—Communications and Signal Department

Chairman Black read the following letter into the record:

Ms. Mary Ann Black	October 12, 1998
Chairman, County of Durham	061-09.140
Board of Commissioners	
200 East Main Street	
Durham, NC 27701	

Dear Ms. Black:

Please reference your letter of September 17, 1998 concerning modification of the automatic grade crossing warning devices at Driver Street in Durham, Durham County, North Carolina, DOT: 630 471D, MP H-56.70.

As requested, this letter is to inform you that our construction department has scheduled this project for installation on February 14, 1999. This is the anticipated start date and may be adjusted forward or back to accommodate ongoing projects or unforeseen circumstances.

Our records show we have three other projects in Durham County.

Ramseur Street—Durham, NC—On hold; awaiting revised road plans from the city.

Hanover Street—Durham, NC—On hold; crossing may be closed to rail traffic.

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Dillard Street—Durham, NC—Engineering progressing for interconnect of traffic signals with railroad signals.

If you require additional information, please contact Rick Ray of this office at 404/529-1234.

Very truly yours,

/s/ W. C. Johnson

WCJ/rhr/rhn

cy: Mr. J. L. Bane
Mr. R. C. Churchill III
Mr. A. R. Thomas, NCDOT

City-County Committee Meeting

The Commissioners concurred to schedule the City-County Committee meeting for Wednesday, November 18, 1998 at 9:00 a.m.

Chairman Black asked the Clerk to the Board to contact the Mayor's Office to see if the scheduled date is suitable to City Council members.

Durham County Memorial Stadium--Public Drinking Water Facilities

Vice-Chairman Reckhow commented that it has been brought to her attention that no public water fountains exist at the Durham County Memorial Stadium. She suggested that staff contact the General Services Department and Memorial Stadium Authority to determine the feasibility of installing water fountains or to provide portable water supplies.

The Commissioners concurred with Vice-Chairman Reckhow's suggestion.

Proposed Statewide \$11 Billion Bond Issue for Water, Sewer, and Gas Extension

Commissioner Bell asked County Manager Thompson to find out what the bond issue means for Durham relative to financial assistance. Commissioner Bell requested a report at the November 2, 1998 Worksession.

Triangle J Aging Advisory Committee

Commissioner Bell asked Commissioner Heron about the appointment process to the Triangle J Aging Advisory Committee.

Commissioner Heron said each county in the Council of Governments has representatives on the Aging Advisory Committee. The County Commissioners do not make appointments to the committee.

Commissioner Heron said she will check with Mr. David Moser at the Triangle J office about the appointment process.

Reading Recovery Program

Commissioner Bowser said he visited several of the elementary schools to examine the Reading Recovery Programs and determine how they were working.

Board and Commission Appointments

Garry E. Umstead, Clerk to the Board, distributed ballots to make appointments to the following boards and commissions:

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- Adult Care Home Community Advisory Committee
- Animal Control Review Board
- Area Mental Health Board
- Community Child Protection Team
- Durham County Criminal Justice Partnership Advisory Board
- Durham County EMS Council
- Environmental Affairs Board
- Raleigh-Durham Airport Noise Abatement Committee
- Triangle J Council of Governments Water Resources Committee
- Durham County Women's Commission
- Youth Services Advisory Board

The following votes were cast to make appointments to the listed boards and commissions. Asterisks indicate the appointees.

Adult Care Home Community Advisory Committee: Five expired terms and three vacant positions (terms expire September 1999).

- *Brenda Dorsey—Bell, Heron, and Reckhow
- *Glenn A. Eason—Bell, Bowser, Heron, and Reckhow
- *Cindy Ferrell—Bell, Black, Heron, and Reckhow
- *Billy Eugene Griffin—Bell, Bowser, Heron, and Reckhow
- *Mamie R. Parker—Bell, Black, Bowser, Heron, and Reckhow
- *Tinnie T. Robinson—Bell, Bowser, Heron, and Reckhow
- *Delores H. Vaughan—Bell, Black, Bowser, Heron, and Reckhow

Animal Control Review Board: Three positions beginning August 1998 for a staggered three-year term.

- *Miriam Clifford—Bell, Black, Bowser, and Heron
- *Michelle J. Keys—Bell, Black, Bowser, Heron, and Reckhow

Area Mental Health Board: One position for a primary consumer presently and openly in recovery representing the interests of individuals suffering from alcoholism or other drug abuse; one position for a member who has experience in finance and can understand and interpret audits and other financial reports; attorney position; and two at-large positions (terms expire July 2002).

Pamela Blake—Bell, Black, and Bowser (Ms. Blake was ineligible for appointment; she withdrew her name prior to the vote.)

- *Pat Evans—Bell, Black, Bowser, Heron, and Reckhow
- *Marie Felder—Bowser, Heron, and Reckhow
- Iowana C. Hagler—no votes
- Hugh F. Lecky Jr.—no votes
- Joseph Mattiacci—Heron
- Robert E. McClernon—Bell and Reckhow
- *Marilyn K. Shipman—Bell, Black, Bowser, Heron, and Reckhow
- *Doug Wright—Bell, Black, Bowser, Heron, and Reckhow

Community Child Protection Team/Child Fatality Prevention Team: One new position—a parent position (who had a child to die before his 18th birthday); one fireman position; and one at-large position (terms expire September 30, 2000).

- *Kelley F. Wimberley—Bell, Black, Bowser, Heron, and Reckhow

Criminal Justice Partnership Act Advisory Board: One position for a criminal defense attorney, one position for a community member who has been a victim of a crime, and one at-large member including persons who are recovering from chemical dependency or are previous consumers of substance abuse treatment services (terms expire July 31, 2001).

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*Brian Michael Aus (attorney)—Bell, Black, Bowser, Heron, and Reckhow

*Patrick Byker (at-large—business community)—Bell, Black, Bowser, Heron, and Reckhow

*Rita B. Parker (at-large)—Bell, Black, Bowser, Heron, and Reckhow

Durham County Emergency Medical Services Council: One expired “consumer” position (term expires June 2001).

Miriam Clifford—no votes

*Brenda Dorsey—Bell, Black, Bowser, Heron, and Reckhow

Environmental Affairs Board: One expired term for the “engineering” position (term expires June 2001).

*Jerad D. Bales—Bell, Black, Bowser, Heron, and Reckhow

Raleigh/Durham Airport Noise Abatement Committee: One expired term (expires September 2001).

*Christopher T. Voight—Bell, Black, Bowser, Heron, and Reckhow

Triangle J Water Resources Committee: One expired term (term expires September 30, 2000).

*Edward C. Harrison—Bell, Black, Bowser, Heron, and Reckhow

Dwight Bunce—no votes

Women’s Commission: Three expired terms (expire June 2001).

*Kathleen R. Green—Bell, Black, Bowser, Heron, and Reckhow

Youth Services Advisory Board: Six expired terms (expire September 2001).

William V. Griffin—Heron and Reckhow

*Brenda J. Johnson—Bell, Black, Bowser, and Reckhow

*Karen Epp Mortimer—Bell, Black, Bowser, Heron, and Reckhow

*Elaine M. O’Neal—Bell, Black, Bowser, Heron, and Reckhow

*Mary L. Robinson—Bell, Black, Bowser, Heron, and Reckhow

*Paul Savery—Bell, Black, and Heron

*Terrance R. Taylor—Bell, Black, Bowser, and Heron

Christopher Weeks—Bowser and Heron

Adjournment

Chairman Black adjourned the meeting at 9:31 p.m.

Respectfully submitted,

Garry E. Umstead, CMC
Clerk to the Board

GEU:VCS